

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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STEVEN HAWKINS and UNITED  
STATES FILTER CORPORATION,

Plaintiffs

v.

DEBASISH MUKHOPADHYAY,

Defendant.

No. 04-MC-10110, Motion to Compel Third  
Party Discovery of Ionics, Incorporated

**ASSENTED-TO MOTION TO EXTEND DEADLINE TO RESPOND TO PLAINTIFFS'  
MOTION TO ENFORCE SUBPOENA DUCES TECUM AND TO COMPEL  
PRODUCTION OF DOCUMENTS UNTIL WEDNESDAY, MAY 12, 2004**

Ionics, Incorporated ("Ionics"), by its attorneys, Nelson, Kinder, Mosseau & Saturley, P.C., pursuant to Local Rule 7.1, respectfully submits the following Assented-To Motion to Extend Deadline to Respond to Plaintiffs' Motion to Enforce Subpoena Duces Tecum and to Compel Production of Documents until Wednesday, May 12, 2004. In support, Ionics states that the parties have engaged in discussions regarding production under the subpoena that may resolve the issue, and further, that plaintiffs' counsel agreed to the proposed extension as further set forth below. In further support of this Motion, Ionics states as follows:

1. The Plaintiffs' Motion to Enforce Subpoena Duces Tecum and to Compel Production of Documents ("Motion to Compel") was filed with this Court on April 13, 2004. The deadline for responding to the Motion was originally April 27, 2004, see Local Rules 37.1 and 7.1, but the parties previously agreed to an extension to May 10, 2004. See Assented-To Motion, filed May 3, 2004.

2. After the Motion to Compel was filed, the Plaintiffs and Ionics, through counsel, have had discussions regarding an agreed production under the Subpoena Duces Tecum,.

3. Subject to an executed Stipulation, Ionics will produce documents to counsel for the Plaintiffs pursuant to these negotiations.

4. Accordingly, the Motion to Compel may be moot, and this extension promotes judicial economy.

5. Counsel for the Plaintiffs agreed to an extension to Monday, May 12, 2004, for Ionics to file a response to the Motion to Compel, should such a response be required.

6. No prejudice will result from the allowance of this motion to any party.

7. No Memorandum of Law is attached, as the basis for the relief sought is fully set forth herein, and subject to the discretion of this Court.

WHEREFORE, Ionics respectfully requests that this Honorable Court:

A. Extend the deadline for Ionics to file a response to the Motion to Compel until Wednesday, May 12, 2004; and

B. Grant such other and further relief as this Court deems just.

Respectfully submitted,

IONICS, INCORPORATED

by its attorneys

NELSON, KINDER, MOSSEAU &  
SATURLEY, P.C.

Dated: May 10, 2004

By: Paul Milligan  
Paul T. Milligan, BBO # 552574  
45 Milk Street, 5<sup>th</sup> Floor  
Boston, MA 02109  
(617) 778-7500

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(A)(2)**

I, Paul T. Milligan, certify that prior to filing this Motion, I conferred with counsel for the plaintiffs and in good faith to resolve or narrow the issue presented herein, and further, that counsel for the plaintiffs (~~Mark Selwyn~~) agreed to the proposed extension.

*M: Ke Summersgill*

*Paul Milligan*  
\_\_\_\_\_  
Paul T. Milligan

**CERTIFICATE OF SERVICE**

I, Paul T. Milligan, Esquire, certify that a copy of this pleading has been sent this day via First Class Mail to William F. Lee, Esquire, Mark D. Selwyn, Esquire, Michael A. Diener, Esquire, and Michael J. Summersgill, Esquire, Hale and Dorr LLP, 60 State Street, Boston, Massachusetts, 02109, and to William C. Madison, Esquire, Madison, Harbour, Mroz & Brennan P.A., P.O. Box 25467, Albuquerque, New Mexico, 87125-5467, counsel for the plaintiffs.

*Paul Milligan*  
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Paul T. Milligan